

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:06:CR:213

v.

HON. GORDON J. QUIST

BRIAN S. SMITH,

Defendant.

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**ORDER**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties, and no objection has been made thereto within the time required by law.

THEREFORE, IT IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge filed December 26, 2006, is approved and adopted as the Opinion and Findings of this Court.
2. Defendant Brian S. Smith's plea of guilty to Count One of the Indictment is accepted. Defendant Brian S. Smith is adjudicated guilty.
3. A decision of whether to accept the written plea agreement will be made at the time of sentencing after the Court has had the opportunity to review the Presentence Investigation Report. See U.S.S.G. Ch. 6.

Dated: January 19, 2007

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE